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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBERT ARMIJO,

Plaintiff,

vs.

OZONE NETWORKS, INC. d/b/a OPENSEA, a
New York Corporation; YUGA LABS, LLC d/b/a
BORED APE YACHT CLUB, a Delaware limited
liability company; LOOKSRARE; and DOES 1 to
50,

Defendants.

Case No.: 3:22-cv-00112-MMD-CLB

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND DEADLINE TO
RESPOND TO MOTIONS TO
DISMISS (ECF NOS. 71, 74) AND
RELATED REQUESTS FOR
JUDICIAL NOTICE (ECF NOS. 73,
76)**

[FIRST REQUEST]

Plaintiff Robert Armijo (“Mr. Armijo”) and Defendants Ozone Networks, Inc. d/b/a OpenSea (“OpenSea”), and Yuga Labs, Inc. (“Yuga Labs”) (together with OpenSea, the “Stipulating Defendants”), by and through their respective counsel, stipulate and agree, subject to this Court’s approval, to extend the deadlines for Mr. Armijo to file responses to the pending Motions to Dismiss

1 the First Amended Complaint (ECF No. 71, 74) and related Requests for Judicial Notice (ECF No. 73,
2 76) by thirty (31) days, or to October 3, 2022, and to set additional briefing deadlines as set forth
3 below. The Motions to Dismiss and related Requests for Judicial Notice were filed on July 29, 2022,
4 and based upon the briefing schedule approved by this Court, responses are currently due on
5 September 2, 2022. (ECF No. 61.) No hearing has been set for this matter. This is the first request
6 to extend these particular deadlines.¹

7 WHEREAS, on February 28, 2022, Mr. Armijo filed a Complaint in the above-entitled action
8 (ECF No. 1), image later corrected on March 1, 2022 (ECF No. 6). On June 24, 2022, Mr. Armijo
9 filed a First Amended Complaint (ECF No. 62);

10 WHEREAS, on July 21, 2022, this Court entered a Scheduling Order (ECF No. 66);

11 WHEREAS, on July 29, 2022, Defendants Ozone Networks, Inc. d/b/a OpenSea (“OpenSea”),
12 and Yuga Labs, Inc. (“Yuga Labs”) each filed respective Motions to Dismiss the First Amended
13 Complaint (ECF Nos. 71, 74) and related Requests for Judicial Notice (ECF Nos. 73, 76);

14 WHEREAS, Mr. Armijo’s responses to the pending Motions to Dismiss and related Requests
15 for Judicial Notice are currently due on September 2, 2022, with OpenSea’s and Yuga Labs’ reply
16 briefs currently due on September 30, 2022 (ECF No. 61);

17 WHEREAS, on August 3, 2022, OpenSea and Yuga Labs each filed respective Motions to
18 Stay Discovery (ECF Nos. 78, 80, 82) requesting that the court stay discovery and related case
19 deadlines based on their pending dispositive motions. Mr. Armijo filed Responses in Opposition to
20 the Motions to Stay Discovery on August 22, 2022 (ECF Nos. 85, 86). OpenSea’s and Yuga Labs’
21 reply briefs are due on September 2, 2022 (ECF No. 84);

22 WHEREAS, a Joint Case Management Report was filed on August 22, 2022 (ECF No. 87);

23 WHEREAS, Mr. Armijo’s counsel, Emily Nuvan, Esq., was recently notified that an
24 immediate family member will be undergoing a major emergency surgery in the coming days. As a
25 result, Ms. Nuvan will be travelling out-of-state to care for her family member during the hospital stay
26

27
28 ¹ The parties previously agreed upon, and this Court approved, a briefing schedule for Defendants’
anticipated Fed. R. Civ. P. 12(b) motions that provided Mr. Armijo more than 14 days to file his
responses. (ECF No. 61.)

and recovery period. During this time period, which may extend to a couple weeks or more, Ms. Nuvan's attention will be with her family.

WHEREAS, Mr. Armijo submits that Ms. Nuvan is the primary associate handling the prosecution of this action on his behalf, having invested hundreds of hours into this matter to date. Ms. Nuvan's knowledge of the facts, the claims, and the general web3 ethos in which this case arises is invaluable, and her participation in the briefing to oppose OpenSea's and Yuga Lab's dispositive motions cannot be replaced without significant prejudice and expense to Mr. Armijo;

WHEREAS, in light of the foregoing and to give Ms. Nuvan the time and space to take care of her family during this emergency medical crisis, Mr. Armijo requests a thirty-one (31) day extension of time to respond to the pending Motions to Dismiss and Requests for Judicial Notice, or from September 2, 2022, to October 3, 2022;

WHEREAS, OpenSea and Yuga Labs advised that they do not oppose the extension, and accordingly request an extension of time for their reply briefs from their current due date of September 30, 2022, to November 8, 2022.

WHEREAS, this stipulation is made in good faith and not filed for improper purpose, but is requested due to a medical emergency within Mr. Armijo's litigation team. This is the first request to extend these particular deadlines and the extension will not unduly delay proceedings;

NOW THEREFORE, the parties submit that good cause exists and, therefore, request that this Court enter an order extending the deadline to respond to the Motions to Dismiss and Requests for Judicial Notice, by thirty-one (31) days, or from September 2, 2022, to October 3, 2022, with OpenSea's and Yuga Labs' reply briefs due on or before November 8, 2022.

DATED this 25th day of August, 2022.

DATED this 25th day of August, 2022.

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FENWICK & WEST LLP

By: /s/Michelle D. Alarie

By: /s/ Katherine A. Marshall

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DATED this 25th day of August, 2022.

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ORDER

IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE

DATED: _____